

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>MAXIE MCNABB,</b>	)	
	)	
<b>Plaintiff</b>	)	<b>CIVIL ACTION NO:</b>
	)	<b>2:06-0664-MHT</b>
<b>v.</b>	)	
	)	
<b>SANDERS LEAD COMPANY, INC.</b>	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF'S MOTION TO LEAVE EVIDENTIARY RECORD OPEN  
PENDING PRODUCTION OF PERSONNEL FILES**

Comes Now, the Plaintiff, Maxie McNabb, and moves to leave the summary judgment evidentiary record open for the Plaintiff pending production of personnel files maintained by the Defendant, Sanders Lead. As ground for this Motion, the Plaintiff would state the following:

1. On July 2, 2007, this Court ordered production of certain personnel records maintained by Sanders Lead. ( See Doc. #24, Order Granting Motion To Compel).

The production is to take place by July 11, 2007.

2. As outlined in Plaintiff's Memorandum in Opposition to Summary Judgment, Sander's Lead re-hired younger persons who had been terminated for a variety of reasons. Prior to the reduction in force for economic reasons, McNabb had not been terminated.

3. Plaintiff would like the opportunity to review the personnel records to be produced and submit any relevant excerpts in opposition to the Defendant's Motion for

Summary Judgment.

*Wherefore premises considered*, plaintiff requests that he be given ten days after the defendant's production up to and including July 23, 2007 to submit any additional evidentiary material in opposition to summary judgment.

Respectfully submitted,

/s/Roderick T. Cooks  
Attorney for the Plaintiff

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document on all persons listed below by CMF/Electronic Mail and/or U. S. Mail, postage prepaid and addressed to them as follows:

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Done this the 3rd day of July, 2007.

s/Roderick T. Cooks  
Of Counsel